

ASSIGNED

AMENDED

Serial No. 50781

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE
STATE OF NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 3 1987

Returned to applicant for correction JUN 1 1987

Corrected application filed JUN 25 1987 Map filed JUN 25 1987 Existing POD
under claim map #00563

The applicant Freeport-McMoRan Gold Company

Mountain City Star Route of Elko
Street and No. or P.O. Box No. City or Town

Nevada 89801 hereby make S application for permission to change the
State and Zip Code No.

point of diversion, place of use and manner of use of a portion
Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under claim 00563 of the "Edwards decree", being civil
(Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
action No. 2804 of the Sixth Judicial District Court of the State of Nevada
(Identify right in Decree.)

1. The source of water is North Fork, Humboldt River
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed 0.5
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for mining, milling and domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for decreed uses (irrigation and stockwater)
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T. 43N., R. 54E., M.D.M.,
Describe as being within a 40-acre subdivision of public survey and by course and
from which the SW corner of said Sec. 32 bears S.85°30'W., 4,790 ft dist.
distance to a section corner. If on unsurveyed land, it should be stated.
6. The existing permitted point of diversion is located within SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T.43N., R. 54E., M.D.M.,
If point of diversion is not changed, do not answer.
and conveyed to existing place of use in the Rutherford Ditch.
7. Proposed place of use See Attachment
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
8. Existing place of use portions of S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 4, T.42N., R.54E., and portions of lots
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
1 and 2 (N $\frac{1}{2}$ NE $\frac{1}{4}$) Sec. 4, T.42N., R.54E., M.D.M., totaling 41.05 acres
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day
10. Use was permitted from as decreed to _____ of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) See Attached Sheet
State manner in which water is to be diverted, i.e. diversion structure, ditches,
pipes and flumes, or drilled well, etc.
12. Estimated cost of works \$20,000.00
13. Estimated time required to construct works one year

14. Estimated time required to complete the application of water to beneficial use.....three years.....

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Estimated annual consumption: 1,200 tons of ore processed per day, using 270... gallons per ton. Operations to be conducted daily year-around. Total consumption from this and accompanying applications to change will not exceed 120 acre-feet per year. Water sought by this application to be comingled with that under applications 50508, 50509 & 50672.

s/ William A. Nisbet

By William A. Nisbet, agent

421 Court Street

Elko, Nevada 89801

Compared pm/ se pm/ se

Protested 7/13/87 by U. S. A. - Forest Service (Protest overruled 1/19/88 Rul. #3489)

APPROVAL

OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place and manner of use of the waters of North Fork Humboldt River as heretofore appropriated under Proof 00563 as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit is granted for the period April 15 through August 15 each year and then only when in priority which is set by the Humboldt River Water Commissioner.

This permit is approved subject to the State Engineer's Ruling Number 3489 dated January 19, 1988.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.474 cubic feet per second, but not to exceed 37.66 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before January 20, 1989

Proof of completion of work shall be filed before February 20, 1989

Application of water to beneficial use shall be made on or before January 20, 1992

Proof of the application of water to beneficial use shall be filed on or before February 20, 1992

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed MAR 22 1989 IN TESTIMONY WHEREOF, I PETER G. MORROS

State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed my office, this 20th day of January

Cultural map filed

Certificate No. Issued

2407 (Rev. 6-81)

A.D. 19 88

State Engineer

WITHDRAWN BY APPLICANT JUN 05 1998
STATE ENGINEER

ATTACHMENT

7. Proposed place of use: portions of:

T. 42N., R. 53E.: Sec. 1: Lots 1, 2, 3, 4; $S\frac{1}{2}NW\frac{1}{4}, SW\frac{1}{4}$; Sec. 2: all,
Sec. 11: all, Sec. 12: $W\frac{1}{2}, W\frac{1}{2}E\frac{1}{2}$

T. 43N., R. 53E.: Sec. 35: $S\frac{1}{2}SE\frac{1}{4}$; Sec. 36: $SE\frac{1}{4}NE\frac{1}{4}, SE\frac{1}{4}, E\frac{1}{2}SW\frac{1}{4}, SW\frac{1}{4}SW\frac{1}{4}$

T. 42N., R. 54E.: Sec. 3: $N\frac{1}{2}, E\frac{1}{2}SW\frac{1}{4}$; Sec. 4: Lots 1, 2, 3, 4; Sec. 5: Lots 5, 6;
Sec. 10: $NE\frac{1}{4}$; Sec. 11: $S\frac{1}{2}NW\frac{1}{4}, N\frac{1}{2}SW\frac{1}{4}, SE\frac{1}{4}$; Sec. 12: $S\frac{1}{2}S\frac{1}{2}$

T. 43N., R. 54E.: Sec. 31: $S\frac{1}{2}N\frac{1}{2}, S\frac{1}{2}$; Sec. 32: $S\frac{1}{2}NW\frac{1}{4}, S\frac{1}{2}$; Sec. 33: $S\frac{1}{2}S\frac{1}{2}, NE\frac{1}{4}SE\frac{1}{4}$;
Sec. 34: $SW\frac{1}{4}, S\frac{1}{2}SE\frac{1}{4}$

SEP 11 1994

ITEM 11

Construct inlet works and transmission line from proposed point of diversion located in Sec. 4, T.42N., R.54E., to proposed mill site in portions of Sec. 3, T.42N., R.54E., M.D.M., as well as divert water at other proposed points of diversion by means of direct portable pump transfer to water truck(s) for purposes of dust suppression, road construction and related mining and milling activities

